

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**RACHEL LINN WALTON**  
**2044 Verdugo Blvd.**  
**Glendale, CA 91208**

**Registered Nurse License No. 669351**

Respondent

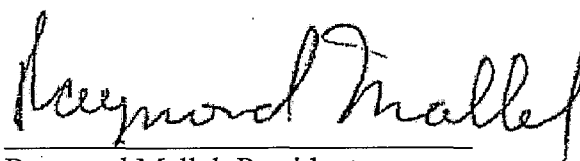
Case No. 2013-121

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 19, 2013.**

IT IS SO ORDERED **March 20, 2013.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 SHERRY L. LEDAKIS  
Deputy Attorney General  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-121

12 **RACHEL LINN WALTON**  
13 **2044 Verdugo Blvd.**  
14 **Glendale, CA 91208**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 **registered Nurse License No. 669351**

16 **Respondent.**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
22 Registered Nursing. She brought this action solely in her official capacity and is represented in  
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Sherry L.  
24 Ledakis, Deputy Attorney General.

25 2. Respondent Rachel Linn Walton (Respondent) is representing herself in this  
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about November 17, 2005, the Board of Registered Nursing issued registered  
28 Nurse License No. 669351 to Rachel Linn Walton (Respondent). The registered Nurse License

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-  
2 121, and will expire on April 30, 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2013-121 was filed before the Board of Registered Nursing (Board),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on August 13,  
7 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 2013-121 is attached as exhibit A and incorporated herein  
9 by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, and understands the charges and allegations in  
12 Accusation No. 2013-121. Respondent has also carefully read, and understands the effects of this  
13 Stipulated Settlement and Disciplinary Order.

14 7. Respondent is fully aware of her legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
18 compel the attendance of witnesses and the production of documents; the right to reconsideration  
19 and court review of an adverse decision; and all other rights accorded by the California  
20 Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 CULPABILITY

24 9. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 2013-121.

26 10. Respondent agrees that her registered Nurse License is subject to discipline and she  
27 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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1           4.     **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
2 practice as a registered nurse outside of California shall not apply toward a reduction of this  
3 probation time period. Respondent's probation is tolled, if and when she resides outside of  
4 California. Respondent must provide written notice to the Board within 15 days of any change of  
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
6 returning to practice in this state.

7           Respondent shall provide a list of all states and territories where she has ever been licensed  
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
9 information regarding the status of each license and any changes in such license status during the  
10 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
11 license during the term of probation.

12           5.     **Submit Written Reports.** Respondent, during the period of probation, shall submit  
13 or cause to be submitted such written reports/declarations and verification of actions under  
14 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
15 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
16 Respondent shall immediately execute all release of information forms as may be required by the  
17 Board or its representatives.

18           Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
19 state and territory in which she has a registered nurse license.

20           6.     **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
22 6 consecutive months or as determined by the Board.

23           For purposes of compliance with the section, "engage in the practice of registered nursing"  
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
25 non-direct patient care position that requires licensure as a registered nurse.

26           The Board may require that advanced practice nurses engage in advanced practice nursing  
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

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1 If Respondent has not complied with this condition during the probationary term, and  
2 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
4 extension of Respondent's probation period up to one year without further hearing in order to  
5 comply with this condition. During the one year extension, all original conditions of probation  
6 shall apply.

7 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
8 prior approval from the Board before commencing or continuing any employment, paid or  
9 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
10 performance evaluations and other employment related reports as a registered nurse upon request  
11 of the Board.

12 Respondent shall provide a copy of this Decision to her employer and immediate  
13 supervisors prior to commencement of any nursing or other health care related employment.

14 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
15 (72) hours after she obtains any nursing or other health care related employment. Respondent  
16 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
17 separated, regardless of cause, from any nursing, or other health care related employment with a  
18 full explanation of the circumstances surrounding the termination or separation.

19 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
20 Respondent's level of supervision and/or collaboration before commencing or continuing any  
21 employment as a registered nurse, or education and training that includes patient care.

22 Respondent shall practice only under the direct supervision of a registered nurse in good  
23 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
24 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
25 approved.

26 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
27 following:

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1 (a) Maximum - The individual providing supervision and/or collaboration is present in  
2 the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
4 care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
6 person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health care  
8 setting, the individual providing supervision and/or collaboration shall have person-to-person  
9 communication with Respondent as required by the Board each work day. Respondent shall  
10 maintain telephone or other telecommunication contact with the individual providing supervision  
11 and/or collaboration as required by the Board during each work day. The individual providing  
12 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
13 patients' homes visited by Respondent with or without Respondent present.

14 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
15 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
16 or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
18 registered nursing supervision and other protections for home visits have been approved by the  
19 Board. Respondent shall not work in any other registered nursing occupation where home visits  
20 are required.

21 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
22 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
23 and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing or as an  
25 instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined  
27 worksite(s) and shall not work in a float capacity.

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1 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
2 request documentation to determine whether there should be restrictions on the hours of work.

3 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
4 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
5 months prior to the end of her probationary term.

6 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
7 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
8 above required course(s). The Board shall return the original documents to Respondent after  
9 photocopying them for its records.

10 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
12 amount of \$5,981.50. Respondent shall be permitted to pay these costs in a payment plan  
13 approved by the Board, with payments to be completed no later than three months prior to the end  
14 of the probation term.

15 If Respondent has not complied with this condition during the probationary term, and  
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
18 extension of Respondent's probation period up to one year without further hearing in order to  
19 comply with this condition. During the one year extension, all original conditions of probation  
20 will apply.

21 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the  
22 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
23 and impose the stayed discipline (revocation/suspension) of Respondent's license.

24 If during the period of probation, an accusation or petition to revoke probation has been  
25 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
26 an accusation or petition to revoke probation against Respondent's license, the probationary  
27 period shall automatically be extended and shall not expire until the accusation or petition has  
28 been acted upon by the Board.

1       13.   **License Surrender.** During Respondent's term of probation, if she ceases practicing  
2 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
3 Respondent may surrender her license to the Board. The Board reserves the right to evaluate  
4 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
5 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
6 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
7 subject to the conditions of probation.

8       Surrender of Respondent's license shall be considered a disciplinary action and shall  
9 become a part of Respondent's license history with the Board. A registered nurse whose license  
10 has been surrendered may petition the Board for reinstatement no sooner than the following  
11 minimum periods from the effective date of the disciplinary decision:

12       (1)     Two years for reinstatement of a license that was surrendered for any reason other  
13 than a mental or physical illness; or

14       (2)     One year for a license surrendered for a mental or physical illness.

15       14.   **Physical Examination.** Within 45 days of the effective date of this Decision;  
16 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician  
17 assistant, who is approved by the Board before the assessment is performed, submit an  
18 assessment of the Respondent's physical condition and capability to perform the duties of a  
19 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
20 medically determined, a recommended treatment program will be instituted and followed by the  
21 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
22 to the Board on forms provided by the Board.

23       If Respondent is determined to be unable to practice safely as a registered nurse, the  
24 licensed physician, nurse practitioner, or physician assistant making this determination shall  
25 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
26 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
27 immediately cease practice and shall not resume practice until notified by the Board. During this  
28 period of suspension, Respondent shall not engage in any practice for which a license issued by

1 the Board is required until the Board has notified Respondent that a medical determination  
2 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
3 of this probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
5 requirement, Respondent shall immediately cease practice and shall not resume practice until  
6 notified by the Board. This period of suspension will not apply to the reduction of this  
7 probationary time period. The Board may waive or postpone this suspension only if significant,  
8 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
9 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
10 Only one such waiver or extension may be permitted.

11 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

12 Respondent, at her expense, shall successfully complete during the probationary period or shall  
13 have successfully completed prior to commencement of probation a Board-approved  
14 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
15 submitted by the program on forms provided by the Board. If Respondent has not completed a  
16 Board-approved treatment/rehabilitation program prior to commencement of probation,  
17 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
18 If a program is not successfully completed within the first nine months of probation, the Board  
19 shall consider Respondent in violation of probation.

20 Based on Board recommendation, each week Respondent shall be required to attend at least  
21 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
22 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
23 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
24 added. Respondent shall submit dated and signed documentation confirming such attendance to  
25 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
26 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
27 and/or other ongoing recovery groups.

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1       16.   **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
2 completely abstain from the possession, injection or consumption by any route of all controlled  
3 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
4 are ordered by a health care professional legally authorized to do so as part of documented  
5 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
6 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
7 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
8 longer be required, and the effect on the recovery plan, if appropriate.

9       Respondent shall identify for the Board a single physician, nurse practitioner or physician  
10 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
11 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
12 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
13 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
14 considered addictive have been prescribed, the report shall identify a program for the time limited  
15 use of any such substances.

16       The Board may require the single coordinating physician, nurse practitioner, or physician  
17 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
18 medicine.

19       17.   **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a  
20 random, biological fluid testing or a drug screening program which the Board approves. The  
21 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
22 for keeping the Board informed of Respondent's current telephone number at all times.  
23 Respondent shall also ensure that messages may be left at the telephone number when she is not  
24 available and ensure that reports are submitted directly by the testing agency to the Board, as  
25 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
26 program and Respondent shall be considered in violation of probation.

27       In addition, Respondent, at any time during the period of probation, shall fully cooperate  
28 with the Board or any of its representatives, and shall, when requested, submit to such tests and

1 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
2 hypnotics, dangerous drugs, or other controlled substances.

3 If Respondent has a positive drug screen for any substance not legally authorized and not  
4 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
5 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
6 practice pending the final decision on the petition to revoke probation or the accusation. This  
7 period of suspension will not apply to the reduction of this probationary time period.

8 If Respondent fails to participate in a random, biological fluid testing or drug screening  
9 program within the specified time frame, Respondent shall immediately cease practice and shall  
10 not resume practice until notified by the Board. After taking into account documented evidence  
11 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
12 suspend Respondent from practice pending the final decision on the petition to revoke probation  
13 or the accusation. This period of suspension will not apply to the reduction of this probationary  
14 time period.

15 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
16 of this Decision, have a mental health examination including psychological testing as appropriate  
17 to determine her capability to perform the duties of a registered nurse. The examination will be  
18 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
19 the Board. The examining mental health practitioner will submit a written report of that  
20 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
21 Recommendations for treatment, therapy or counseling made as a result of the mental health  
22 examination will be instituted and followed by Respondent.

23 If Respondent is determined to be unable to practice safely as a registered nurse, the  
24 licensed mental health care practitioner making this determination shall immediately notify the  
25 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
27 practice and may not resume practice until notified by the Board. During this period of  
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

1 is required, until the Board has notified Respondent that a mental health determination permits  
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
3 probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
5 requirement, Respondent shall immediately cease practice and shall not resume practice until  
6 notified by the Board. This period of suspension will not apply to the reduction of this  
7 probationary time period. The Board may waive or postpone this suspension only if significant,  
8 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
9 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
10 Only one such waiver or extension may be permitted.

11 19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in  
12 an on-going counseling program until such time as the Board releases her from this requirement  
13 and only upon the recommendation of the counselor. Written progress reports from the counselor  
14 will be required at various intervals.

#### 15 ACCEPTANCE

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
17 stipulation and the effect it will have on my registered Nurse License. I enter into this Stipulated

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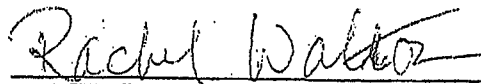
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1 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
2 bound by the Decision and Order of the Board of Registered Nursing.

3  
4 DATED:

1-15-13



RACHEL LINN WALTON  
Respondent

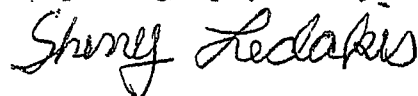
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8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
10 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
11 Affairs.

12 Dated:

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General



SHERRY L. LEDAKIS  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 2013-121**



1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 SHERRY L. LEDAKIS  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

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12 In the Matter of the Accusation Against:

Case No. **2013-121**

13 **RACHEL LINN WALTON**  
2044 Verdugo Blvd.  
14 Glendale, CA 91208

**A C C U S A T I O N**

15 **Registered Nurse License No. 669351**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about November 17, 2005, the Board of Registered Nursing issued Registered  
24 Nurse License Number 669351 to Rachel Linn Walton (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on April 30, 2013, unless renewed.

27 ///

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, . . . .

7. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her

license.

## DRUGS

8. Sublimaze, Actiq, Durogesic, Duragesic, Fentora, Matrifen, Haldid, Onsolis, are brand names for fentanyl, a potent analgesic used for breakthrough pain, which is much stronger than morphine, is a Schedule II controlled substance as designed by Health and Safety Code section 11055(c)(8), and is a dangerous drug pursuant to Code section 4022.

9. Morphine is a potent opiate analgesic used to relieve severe pain, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(L), and is a dangerous drug pursuant to Business and Professions Code section 4022.

10. Dilaudid is a brand of hydromorphone used to treat moderate to severe pain, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(J), and is a dangerous drug pursuant to Code section 4022.

11. Demerol is a brand of meperidine hydrochloride, a fast-acting opioid used to treat moderate to severe pain, is a Schedule II controlled substance as designated in Health and Safety Code section 11055(c)(17), and a dangerous drug pursuant to Code section 4022.

12. Stadol is a brand of butorphanol tartrate, used to treat moderate to severe pain, is a Schedule IV controlled substance as designed in Health and Safety Code section 11057(c)(3), and is a dangerous drug pursuant to Code section 4022.

13. Phenergan is the brand name for promethazine with codeine syrup, used to relax and sedate patients during childbirth, and after surgery, is a Schedule V controlled substance as designated by Health and Safety Code section 11058, subdivision (c)(1), and is a dangerous drug pursuant to Business and Professions Code section 4022.

## COST RECOVERY

14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

(Unprofessional Conduct – Theft of Narcotics)

15. Respondent is subject to disciplinary action for unprofessional conduct under section 2761(a) of the Code in that between January 26, 2011 and March 18, 2011, Respondent diverted dangerous drugs and controlled substances from Hemet Valley Medical Center (HVMC) for her own personal use. The circumstances are set forth below.

16. Between January 26, 2011 and March 18, 2011, Respondent was a traveling nurse employed by Trustaff Travel Nurses, LLC (Trustaff), and assigned to the Labor and Delivery Department (L&D) at HVMC, three days per week on the night shift. During the time that Respondent worked at HVMC, staff members in the L&D complained to the Nurse Manager that Respondent was frequently away from the unit and was routinely located either outside of the hospital or in the restroom. The Nurse Manager reviewed Respondent's Pyxis activity report and noted large amounts of narcotic wastage, which was not always witnessed. Respondent was moved to the day shift so that the Nurse Manager could observe her activities. The Nurse Manager also noticed that Respondent left the L&D several times during her shift.

17. On March 18, 2011, the Nurse Manager reviewed a printout of medications that Respondent had removed from the Pyxis machine documenting that Respondent had removed Morphine 2mg and Benadryl 50, both IV Push, for Patient A. Patient A had been prescribed these medications for pain by her physician, on an as needed basis. However, on March 18, 2011, Patient A never requested this medication and never received it. The Nurse Manager spoke to Respondent about the Morphine and Benadryl, and Respondent confessed that she had taken these medications as well as Phenergen, and Dialaudid for her own personal use. As a result, Respondent's contract with HVMC was terminated. Respondent was also terminated from Trustaff on March 22, 2011. Trustaff filed a complaint with the Board regarding Respondent's diversion of drugs from HVMC.

18. On January 25, 2012, an investigator for the Board interviewed Respondent regarding the theft of medications from HVMC. During the interview, Respondent admitted to the investigator that she had taken medication from the Pyxis machine for her own use and that she

1 had done so either once or twice a week since she began working at HVMC. She explained that  
2 she was going through difficult relationship issues and was having trouble sleeping. She stated  
3 that she takes narcotics to help treat her anxiety and depression. She admitted to self-medicating  
4 since 2008 and taking medications from the Pyxis machine at HVMC. Respondent further stated  
5 that she had experimented with several opiates such as: Morphine, Dilaudid, Demerol, Stadol and  
6 fentanyl injections to help her sleep. Respondent admitted that the medication she diverted was  
7 ordered for patients assigned to her and she knows she should have given the medication to them  
8 instead of taking it herself. Respondent further admitted that she may have taken other types of  
9 narcotics because she took whatever was available. Respondent admitted to the investigator that  
10 on occasion she falsified patient charts but that she could not recall the names of these patients.

#### 11 **SECOND CAUSE FOR DISCIPLINE**

##### 12 **(Unlawfully Obtained Controlled Substances)**

13 19. Respondent is subject to disciplinary action for unprofessional conduct under section  
14 2762(a) of the Code in that while employed as a traveling nurse at HVMC, Respondent  
15 unlawfully obtained and possessed controlled substances, as is more particularly set forth in  
16 paragraphs 15 through 18, above.

#### 17 **THIRD CAUSE FOR DISCIPLINE**

##### 18 **(Used Drugs in Dangerous Manner)**

19 20. Respondent is subject to disciplinary action for unprofessional conduct under section  
20 2762(b) of the Code in that Respondent used controlled substances to an extent or in a manner  
21 that was dangerous to herself or others, in that she administered these substances to herself  
22 without a prescription which may have also posed a risk to her patients, as set forth in paragraphs  
23 15 through 18, above.

#### 24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending registered Nurse License Number 669351, issued to Rachel  
28 Linn Walton;

2. Ordering Rachel Linn Walton to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions

Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

*August 13, 2012*

*Stacie Bair*

for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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